

Jaime B. Fuster

1941–2007

RESIDENT COMMISSIONER 1985–1992
POPULAR DEMOCRAT FROM PUERTO RICO

Described as “a serious tennis player and a voracious reader,” Jaime Fuster brought a scholarly demeanor to Capitol Hill during his House tenure of a little less than two terms.¹ With his academic background, Fuster focused his legislative energies on educational opportunities in Puerto Rico and the mainland. But he spent most of his time in the House vigorously defending the Estado Libre Asociado (Free Associated State, or ELA)—the commonwealth relationship between the United States and Puerto Rico—against advocates for statehood, whom he accused of indulging in “rhetorical flourishes and pie-in-the-sky prophecies.”² As the first Puerto Rican chairman of the Congressional Hispanic Caucus (CHC), Fuster appreciated the growing caucus’s diversity. “We Hispanics are peoples of all colors and all hues,” he boasted.³ “We Mexican-Americans, Cuban-Americans, Puerto Ricans and others—we are all, first and foremost, Hispanic brothers and sisters with a common heritage, with common problems and with common challenges. Far more binds us together than separates us.”⁴

Jaime B. Fuster was born on January 12, 1941, in Guayama, on the southeast coast of Puerto Rico. Fuster attended Saint Anthony High School in Guayama, graduating as valedictorian in 1958.⁵ He earned a B.A., magna cum laude, from Notre Dame University in South Bend, Indiana, in 1962. He earned a J.D. from the Universidad de Puerto Rico in 1965 and a specialized post-law degree from Columbia University a year later. Fuster began working as a law professor at the Universidad de Puerto Rico in 1966. He received a fellowship in law and the humanities from Harvard from 1973 to 1974. When he returned to Puerto Rico, he served as dean of his law school through 1978. Throughout his tenure, Fuster took a particular interest in interamerican policy throughout Latin America, traveling extensively throughout the region.⁶

In 1980 he left the university to serve as a U.S. deputy assistant attorney general. The next year he started a four-year tenure as president of Pontificia Universidad Católica de Puerto Rico. Fuster married Mary Jo Zalduondo, and the couple raised two children, María Luisa and Jaime José.⁷

In the wake of the 1980 election—in which the U.S. Supreme Court decided the makeup of the Puerto Rican house of representatives after two years of electoral dispute—the 1984 election appeared to be another close referendum on the island’s status in relation to the United States.⁸ Three parties—the Partido Popular Democrático (Popular Democratic Party, or PPD), the Partido Nuevo Progresista (New Progressive Party, or PNP), and the Partido Independentista Puertorriqueño (Independence Party, or PIP)—represented three respective options for Puerto Rican status: commonwealth status, statehood, and independence. Fuster accepted the PPD nomination for Resident Commissioner after PNP Resident Commissioner Baltasar Corrada del-Río declared his candidacy for mayor of San Juan. Running unopposed in the PPD primary in June, Fuster sought the post of Resident Commissioner as a political ally of gubernatorial candidate Rafael Hernández Colón’s. He vowed to “improve the over-all tenor of Puerto Rican relations in Washington,” which he believed had been “bruised” by incumbent PNP Governor Carlos Romero-Barceló’s accusations that Puerto Rico remained a “colony.” Fuster’s primary objectives were to defend the ELA and to maintain the flow of federal dollars to the island.⁹

Fuster and the PPD had an advantage when the PNP split over a crisis of leadership. After insurgents attempted to remove PNP leader Carlos Romero-Barceló from power, they were humiliated by Romero-Barceló and his fellow *penepeistas* (PNP members) at the Party assembly in November 1982. The insurgents subsequently formed the



Partido Renovación Puertorriqueña (Puerto Rican Renewal Party), presenting their own candidates for governor, the Puerto Rican legislature, and Resident Commissioner. With a turnout of nearly 90 percent of registered voters, Fuster won the Resident Commissioner position, garnering 48.5 percent of the vote—a slim victory over Nelson Famadas of the PNP, who won 45.4 percent. The race would have been even closer had Partido Renovación Puertorriqueña candidate Angel Viera-Martinez not siphoned off 2.3 percent of the vote. PIP candidate Francisco Catala took 3.8 percent.¹⁰ The PPD swept the election, winning the gubernatorial contest and a majority in both the Puerto Rican house and senate in addition to Fuster's victory.¹¹

Upon his arrival in Washington, Fuster won seats on the Committee on the Interior and Insular Affairs and the Committee on Banking, Finance and Urban Affairs. In the following Congress, he traded his seat on the Banking panel for a seat on the Foreign Affairs Committee. In the 101st Congress (1989–1991), he also picked up a seat on the Education and Labor Committee.¹² Unable to vote in the House, Fuster depended on friends and fellow Congressional Hispanic Caucus (CHC) members, frequently reminding his colleagues that he represented three million Americans. Representative Robert Garcia, who served a South Bronx district in New York City with a large Puerto Rican population, proved to be Fuster's closest congressional ally. "In some kind of crazy way, I consider myself something of a representative of Puerto Rico," Garcia once remarked.¹³ Fuster regularly submitted editorials and letters to the editor in response to coverage of Puerto Rican politics in major U.S. newspapers.¹⁴

On September 8, 1988, the CHC unanimously elected Fuster chairman, a post in which he served from 1988 to 1989. He became the first Puerto Rican to chair the caucus, which consisted at that time of 13 Hispanic members and 67 dues-paying non-Hispanic members. "It is ... a tribute to Puerto Rico, and I look forward to this new assignment," Fuster noted in a caucus press release.¹⁵ As chairman, Fuster focused on education, employment, and affordable housing for many of the caucus's urban constituents. CHC members

also focused on increasing American exports across the southern border of the United States.¹⁶ "Every year we're more successful than the year before," Fuster said of the caucus's work. "When we work together we can have a fairly strong influence despite our size."¹⁷

Fuster's legislative agenda was focused southward toward his home in the Caribbean. He supported the Caribbean Basin Initiative, which called for the duty-free entry of goods from countries in the Caribbean Sea.¹⁸ He also backed aspects of the 1986 Omnibus Drug Act that provided additional radar coverage for Puerto Rico to fight drug trafficking.¹⁹ He was barred from serving as an election monitor in Haiti in November 1987 because he was a congressional signatory to an October 14 letter accusing the government in Port-au-Prince of human rights abuses.²⁰ The Haitian Foreign Affairs Ministry returned the letter, unopened, on November 29, 1987.²¹

Education was also key for Fuster, especially given his academic background. "Not until we have a better understanding of ourselves can we move forward," he said regarding his education initiatives.²² Fuster spearheaded a plan to make Puerto Rico the educational and training hub for Central America and the Caribbean by introducing the Caribbean Basin Scholarship Act (H.R. 3806) in 1988; the bill would authorize the creation of 1,000 scholarships for students earning higher degrees at Puerto Rican institutions. After the House scheduled hearings on the bill in the Subcommittee on Human Rights and International Organizations under the House Foreign Affairs Committee, Fuster observed that the attention was "a sign of American recognition of the maturity of Puerto Rico's leadership and ... of the enduring nature of Puerto Rico's accomplishments economically and politically." In addition, Fuster pointed out, the program would enhance American leadership in the region.²³

Fuster and his CHC colleagues advocated bilingual education in the United States. "We want to make sure that Hispanics who don't speak English will have the opportunity in some stages at least to learn in Spanish, while they pick up enough English language skills to be able to do well," he noted. "The goal eventually is to fully

integrate in social life in English.”²⁴ When the Puerto Rican legislature submitted a bill making Spanish the island’s official language, thereby endangering U.S. support for the commonwealth, Fuster was unapologetic. “We should not delude someone in Congress over who we are and what we are. We are a Spanish-speaking country. If this happens to give people ... more concern, so be it,” he said.²⁵

The need to educate other Members about Puerto Rico’s unique relationship with the United States dominated Fuster’s career. The Resident Commissioner grew frustrated with the general lack of knowledge about the island in Congress, a situation he vowed to change. “The main problem I have,” he lamented, “is not only the lack of information [others have about the island], but [that] Puerto Rico is not in the mainstream of mainland concerns, but we are part of the United States.”²⁶

Like the tenures of previous Resident Commissioners, Fuster’s was dominated by Puerto Rico’s status. Despite his frustration at not having a vote in Congress, Fuster firmly supported the ELA over statehood.²⁷ “At first glance, you might think that the people of Puerto Rico are somehow being held back from exercising their right to have the island become the 51st State,” he noted in the *Congressional Record*. “That is simply not true.... It is appalling that some Members of Congress would want to open up this thorny and explosive issue when the people of Puerto Rico themselves do not.”²⁸ Fuster warned against “toying with Puerto Rico” and in the late 1980s bemoaned a spate of bills seeking adjustments in Puerto Rico’s relationship with the United States.²⁹ “Pandering to political currents with one upmanship in submitting bills about Puerto Rico’s status is not the way to assist the people of Puerto Rico to exercise their right to self-determination,” he said, accusing his colleagues of using Puerto Rican issues as a political tool.³⁰

Despite Fuster’s warning, political maneuverings both on the island and on the mainland pushed Puerto Rico toward a plebiscite on status. In 1988, PPD Governor Hernández Colón won re-election with a slim plurality, but for the fourth consecutive time, no candidate won more than 50 percent of the vote in the gubernatorial race,

indicating a divided electorate.³¹ Fuster, too, won re-election with another narrow plurality, taking 49 percent over PNP candidate Pedro J. Rosselló, who won 47 percent, and PIP candidate Luis Pío Sánchez Longo.³² Both the PNP and the PIP showed their strength on the island. The PNP won a larger swath of the municipal election, and the PIP, for the first time, triumphed in a mayoral election when Santos (El Negro) Ortiz won in the municipality of Cabo Rojo.³³ The two minority parties took advantage of the close elections to create an alliance with the pro-statehood PNP.³⁴

At the same time, President George H. W. Bush shined a spotlight on Puerto Rican statehood in Washington. The President surprised observers by announcing his support for a self-determination plebiscite in Puerto Rico during his February 9, 1989, State of the Union address. Bush’s Senate ally, J. Bennett Johnston of Louisiana, drafted S. 712 in response. Johnston chaired the Senate Energy and Natural Resources Committee, which had direct oversight over Puerto Rico. His self-executing bill put the three “well-formed” options—continuation under commonwealth status, statehood, and independence—to a vote in Puerto Rico whose results would take effect immediately.³⁵ The Committee on Energy and Natural Resources favorably reported the bill to the Senate on August 2, 1989.

Fuster complained that advocates presented statehood as a magical solution to Puerto Rican economic problems. “Statehood is portrayed as the panacea for the many complex and intractable social and economic problems that Puerto Rico has suffered for centuries,” he explained. “Puerto Ricans are being told that with statehood, unemployment will nearly disappear, education and healthcare will be of the highest quality possible, our local roads will be like the best interstate highways, there will be no homeless, even crime will diminish. We in Puerto Rico have a right to know whether or not the United States Congress shares these alluring expectations about the bonanza that allegedly will accompany statehood.”³⁶

Delegate Ron de Lugo of the Virgin Islands—Chairman of the Committee on Territories—countered the Senate bill by introducing his own version (H.R. 4765) collaborating closely with Fuster, on May 9, 1990. The bill authorized

a “non-binding referendum” and required Congress—specifically, the House Interior and Senate Energy Committees—to follow up on the results and enact the status chosen by voters.³⁷ The House legislation cobbled together the disparate interests of the island’s multiple political parties as well as the various desires of mainland lawmakers, leading Fuster to label the bill “imperfect.” The compromises “do not all share the sense of purpose and high-mindedness that should have prevailed,” he noted.³⁸ Yet he supported the House version of the bill—with increased congressional oversight—over the Senate version. “It is crucial to the plebiscite process that the Congress spell out to the voters of Puerto Rico precisely what it is prepared to offer under each of the three formulas for political status,” he wrote in an opinion piece for the *Washington Post*. “Otherwise, the whole thing could be an empty gesture.”³⁹ The House passed de Lugo’s bill by voice vote on October 10. It was the first time since the creation of the ELA in 1952 that a referendum on Puerto Rican status had cleared either chamber.⁴⁰

Reaching a compromise between the House and Senate versions of the bill proved “an uphill battle,” Fuster noted in June 1990, and he feared the legislation would not pass in time. “It’s going to be dicey. If we have one more delay, that’s it,” he warned.⁴¹ Lobbying over the bill became increasingly intense, with a deadlock between the two chambers. More than 70 U.S. companies doing business on the island—and enjoying tax breaks—formed the Puerto Rico U.S.A. Foundation, which fought the Bush administration’s pro-statehood stance.⁴² Advocates for ELA and advocates for statehood hired more than a dozen lobbying firms that hit Capitol Hill “with the force of Hurricane Hugo,” according to the *Wall Street Journal*.⁴³ But Johnston was dissatisfied with the House version of the bill and refused to take action on it, effectively killing the measure at the end of the 101st Congress. “The Senate’s position is that we have waited 30 years. Another year is not going to matter,” Johnston said.⁴⁴

Though de Lugo re-introduced his plebiscite bill on the first day of the new Congress, the momentum from the previous Congress had been lost. Puerto Rican officials

were wary of holding a vote on status during 1992, an island-wide election year, because they feared the plebiscite would likely promote a charged and disruptive atmosphere. Cost was also an issue. After a 10 to 10 vote in the Senate Energy Committee on legislation equivalent to that promoted in the 101st Congress, Johnston again admitted defeat, despite pressure from President Bush to continue pursuing the plebiscite. Acknowledging inadequate GOP support, de Lugo did not push his legislation further.⁴⁵ “I’m more convinced than ever that there is going to be no plebiscite,” Fuster noted.⁴⁶ “There is a stalemate in Congress, and we don’t see any signs that it’s going to change,” he added. “The people of Puerto Rico have been left dangling with great expectations. We’re saying ‘Take us seriously or let us be.’”⁴⁷

Fuster’s final term in the House was truncated. In early 1992, Governor Hernández Colón nominated him as an associate justice on the Puerto Rican supreme court. Confirmed by a 14 to 5 decision in the island’s senate, Fuster resigned from the House on March 3, 1992.⁴⁸ He served as an associate justice until his death on December 3, 2007, in his home in Guaynabo, Puerto Rico.⁴⁹

FOR FURTHER READING

Biographical Directory of the United States Congress, “Jaime B. Fuster,” <http://bioguide.congress.gov>.

Fuster, Jaime B. *Los derechos civiles reconocidos en el sistema de vida puertorriqueño* (San Juan, PR: Comisión de Derechos Civiles, 1972).

NOTES

- 1 Robin Toner, “Explain, Explain, Explain,” 8 May 1986, *New York Times*: B22.
- 2 *Congressional Record*, Extension of Remarks, 101st Cong., 1st sess. (25 April 1989): 7472.
- 3 David Rampe, “Power Panel in Making: The Hispanic Caucus,” 30 September 1988, *New York Times*: B5.
- 4 Congressional Hispanic Caucus, “Remarks of Jaime B. Fuster at Congressional Banquet,” Press Release 13 September 1988; Fuster, Jaime, Former Caucus Members, Folder 2; Records of the Congressional Hispanic Caucus, 97th–103rd Congress; Record Group 233; National Archives Building, Washington, D.C.

- (hereinafter referred to as RG 233; NARA).
- 5 "Curriculum Vitae," Fuster, Jaime, Former Caucus Members, Folder 1; Biographical Files Relating to Former Caucus Members, 1983–1984, Becerra, X. to Richardson, Bill, Box 1; Records of the Congressional Hispanic Caucus, 97th–103rd Congress; RG 233; NARA.
 - 6 Ibid.
 - 7 "Supreme Court Justice Jaime Fuster Dies at 66," *Caribbean Business* 35, no. 48 (6 December 2007); Camile Roldán Soto, "Destacan la trayectoria del jurist," 4 December 2007, *El nueva dia*, <http://www.adendi.com/> (accessed 29 March 2012).
 - 8 Fernando Bayron Toro, *Elecciones y partidos políticos de Puerto Rico, 1809–2000* (Mayagüez, PR: Editorial Isla, 2003): 302.
 - 9 Harold Lidin, "50,000 Turnout Seen for PDP Primaries Sunday," 6 June 1984, *San Juan Star*: 10; Lidin, "Fuster Sees a Role in Island-U.S. Relations," 25 June 1984, *San Juan Star*: 16.
 - 10 "Election Statistics, 1920 to Present," <http://history.house.gov/institution/election-statistics/election-statistics>.
 - 11 Bayron Toro, *Elecciones y partidos políticos de Puerto Rico, 1809–2000*: 310.
 - 12 Garrison Nelson, *Committees in the U.S. Congress, 1947 to 1992*, vol. 2 (Washington, D.C.: CQ Press, 1994): 318.
 - 13 Toner, "Explain, Explain, Explain."
 - 14 Jaime B. Fuster, Letter to the Editor, "The Politics of Governing Puerto Rico," 16 July 1986, *Washington Post*; Fuster, Letter to the Editor, "Promise in Puerto Rico," 20 March 1987, *Christian Science Monitor*: 15; Fuster, Letter to the Editor, "Puerto Rico Enjoys Commonwealth Status," 2 May 1988, *Wall Street Journal*: 25.
 - 15 "Congressional Hispanic Caucus Elects Fuster Chairman," Press Release 8 September 1988, Folder 1, Former Caucus Members, Fuster, Jaime, RG 233; NA.
 - 16 For a rundown of Fuster's goals as CHC chairman, see "Congressional Hispanic Caucus Legislative Agenda for the 100th Congress," Official Memorandums, 1989, Folder 1 of 2; Official Memorandums 1985–1992, Box 2; RG 233, NA.
 - 17 Rampe, "Power Panel in Making: The Hispanic Caucus."
 - 18 For more information, see "Caribbean Trade Plan." CQ Press Library, CQ Almanac Online Edition, cqal82-1163576. Originally published in *CQ Almanac 1982* (Washington, D.C.: Congressional Quarterly, Inc., 1983). <http://library.cqpress.com/cqalmanac/cqal82-1163576> (accessed 27 April 2009).
 - 19 *Congressional Record*, House, 99th Cong., 2nd sess. (10 September 1986): 22730.
 - 20 "3 U.S. Legislators Barred," 29 November 1987, *New York Times*: 16.
 - 21 Julia Preston, "Haitians Set to Vote Despite Violence," 29 November 1987, *Washington Post*: A31.
 - 22 Congressional Hispanic Caucus, "Legislative Review," Fall 1988, p. 1; Official Memorandums, 1988, Folder 2 of 2; RG 233, NA.
 - 23 Congressional Hispanic Caucus, "House Foreign Affairs Subcommittee to Hold Hearings on Puerto Rico Scholarships Bill," Press Release 9 August 1988, Fuster, Jaime, Former Caucus Members, Folder 2, CHC Records, RG 233. See also Hearing before the House Subcommittee on Human Rights and International Organizations, *Development Policy in the Caribbean*, 100th Cong., 2nd sess. (28 July 1988).
 - 24 Rampe, "Power Panel in Making: The Hispanic Caucus."
 - 25 Bill McAllister, "Puerto Rican Bill on Spanish Called Statehood Setback," 6 March 1991, *Washington Post*: A6.
 - 26 Toner, "Explain, Explain, Explain."
 - 27 Ibid.
 - 28 *Congressional Record*, Extension of Remarks, 100th Cong., 1st sess. (15 July 1987): 20115–20116.
 - 29 See, for example, H.J. Res. 218 (100th Congress, 1987–1989), introduced by Representative Ron Dellums of California, calling for independence; S. 1182 (100th Congress), introduced by Senator Bob Dole of Kansas, calling for statehood; and H.R. 3536 (101st Congress, 1989–1991), introduced by Representative Robert Lagomarsino of California, calling for a referendum on status.
 - 30 *Congressional Record*, Extension of Remarks, 100th Cong., 1st sess. (7 August 1987): 23488.
 - 31 Bayron Toro, *Elecciones y partidos políticos de Puerto Rico, 1809–2000*: 261–265, 271–291, 310, 333–334.
 - 32 "Election Statistics, 1920 to Present," <http://history.house.gov/institution/election-statistics/election-statistics>.
 - 33 Bayron Toro, *Elecciones y partidos políticos de Puerto Rico, 1809–2000*: 335, 337.
 - 34 "Puerto Rico's Status Remains Unresolved." CQ Press Electronic Library, CQ Almanac Online Edition, cqal90-1113003. Originally published in *CQ Almanac 1990* (Washington, D.C.: Congressional Quarterly, Inc., 1991). <http://library.cqpress.com/cqal90-1113003> (accessed 8 October 2009).
 - 35 "Puerto Rico's Status Remains Unresolved."
 - 36 *Congressional Record*, Extension of Remarks, 101st Cong., 1st sess. (16 November 1989): 3872. Earlier that year Fuster accused statehood supporters of upholding an "Alice-in-Wonderland mileu [*sic*]." Fuster asked his colleagues, "Would Congress and President Bush really be prepared to accept ... that Puerto Rico be admitted to the Union with Spanish as our official language, with our own limited international personality preserved, paying no Federal income taxes? Would they accept statehood to be portrayed as the panacea for many complex and intractable social and economic problems that Puerto Rico has suffered for centuries?" See

Congressional Record, Extension of Remarks, 101st Cong., 1st sess. (25 April 1989): 7472.

- 37 "Puerto Rico's Status Remains Unresolved."
- 38 Ibid.
- 39 Jaime B. Fuster, "Statehood Could Ruin Puerto Rico's Economy," 31 July 1989, *Washington Post*: A15.
- 40 Robert Pear, "House Votes Bill for Puerto Rico to Decide Status," 11 October 1990, *New York Times*: A1.
- 41 Bill McAllister, "Puerto Rico Bill Wording Is Criticized," 29 June 1990, *Washington Post*: A11.
- 42 "Puerto Rico's Status Remains Unresolved."
- 43 Jill Abramson, "Plan for 1991 Referendum on Puerto Rico Status Spurs Rival Factions to Blitz Lawmakers in U.S.," 10 October 1989, *Wall Street Journal*: A20. Jaime B. Fuster, Letter to the Editor, "Throwing Weight for Puerto Rico Statehood," 4 November 1990, *Washington Post*: C6.
- 44 Bill McAllister, "Puerto Rico Referendum in Jeopardy," 11 October 1990, *Washington Post*: A10.
- 45 "No Progress Made on Puerto Rico Plebiscite." CQ Press Electronic Library, CQ Almanac Online Edition, cqal91-1110291. Originally published in *CQ Almanac 1991* (Washington, D.C.: Congressional Quarterly, Inc., 1992). <http://library.cqpress.com/cqal91-1112109> (accessed 27 April 2009).
- 46 Bill McAllister, "Administration Backs Puerto Rico Bill, But Seeks Changes," 8 February 1991, *Washington Post*: A3. See also Martin Tolchin, "Constitutionality of a Choice for Puerto Rico's Future Is Challenged," 8 February 1991, *New York Times*: A18.
- 47 Martin Tolchin, "Shift in San Juan on Vote on Status," 23 November 1990, *New York Times*: A27.
- 48 Robert Friedman, "Senate Gives Fuster OK for Top Court," 14 February 1992, *San Juan Star*: 5; Associated Press, "Fuster Takes Oath as Justice of High Court," 4 March 1992, *San Juan Star*: 8. Though Fuster's resignation letter submitted to the Speaker of the House indicates he resigned on March 4, 1992, he took the oath of office for the Puerto Rican supreme court on March 3, 1992. Thus, he would have submitted his official resignation as Resident Commissioner to the governor before his swearing-in. Other official sources indicate he resigned March 3, 1992. See, for example, Clerk of the House of Representatives, "Official List of Members of the House of Representatives of the United States and Their Places of Residence," 102nd Cong., 2nd sess. (5 January 1993), <http://clerk.house.gov/102/olm102.pdf> (accessed 28 March 2012).
- 49 "Former Resident Commissioner Dies at Age 66 in Puerto Rico," 4 December 2007, *National Journal's CongressDaily*.



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TO CONVEY THAT IDEA
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ONLY WHEN WE OURSELVES
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OF OTHERS IN OUR COMMUNITY
WILL WE BE ABLE TO SET NEW
PRECEDENTS AND CREATE THE
SORELY NEEDED ROLE MODELS
FOR OUR YOUNG.”

Jaime B. Fuster
Hispanic Business, September 1988